

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: MDL 2327, Ethicon, Inc., Pelvic Repair
System Product Liability Litigation**

**DEREK H. POTTS' APPLICATION FOR APPOINTMENT TO
PLAINTIFFS' STEERING COMMITTEE, EXECUTIVE COMMITTEE
AND CO-LEAD OF MDL 2187**

COMES NOW Derek H. Potts who files this Application For Appointment to the Plaintiffs' Steering Committee, Executive Committee and Co-Lead of the C.R. Bard, Inc., Pelvic Repair System Product Liability Litigation, MDL 2187.

I am the founder and Managing Partner of The Potts Law Firm, LLP which represents plaintiffs in complex civil litigation and mass torts exclusively, with offices in Kansas City, Missouri and Houston, Texas. The Potts Law Firm has nine attorneys and litigates cases nationwide. I, as well as the entire law firm, am willing and committed to perform the duties required by holding these positions if the Court so grants them.

I have devoted much of my practice to implantable surgical mesh litigation over the past seven years, which has included trying and settling hundreds of surgical mesh cases around the United States during that time. My surgical mesh MDL experience has included being a member of the Plaintiffs' Steering Committee, Science/Expert Committee and co-lead trial counsel in the first bellwether jury trial conducted in the In Re Kugel Mesh Hernia Patch Products Liability Litigation, MDL Docket No. 1842 (D.R.I.) which involved an abdominal mesh product manufactured and sold by Defendant C.R. Bard, Inc. I have also served as Liaison Counsel /

Co-Lead Counsel in the In Re Mentor Corp. OB Tape Transobturator Sling Products Liability Litigation, MDL Docket No. 2004 (D.G.M.) which involves another vaginal mesh sling product, Mentor OB Tape. Our firm filed the first Alloderm case in the nation and is integrally involved in the New Jersey state consolidation of In re Alloderm Litigation, Case No. 295, which involves an implantable biological hernia mesh product. The Potts Law Firm is part of a consortium of 4 national law firms leading the Alloderm litigation on behalf of plaintiffs nationwide. I have also litigated and successfully resolved other types of implantable mesh products in state courts around the United States.

I have been integrally involved in the joint effort to establish the Ethicon, American Medical Systems and Boston Scientific MDLs before this Court. The Potts Law Firm, LLP was one of four firms which filed the original Motion for Transfer with the Joint Panel on Multidistrict Litigation seeking to have the Ethicon MDL established before this Court. Over the past year, I have also helped arrange or have attended meetings with plaintiffs' counsel handling these cases from around the country in the cities of Houston, Atlanta, Las Vegas, Philadelphia, Phoenix and Charleston where discussions were held concerning (1) whether or not to consolidate these cases in MDLs; (2) where to consolidate these cases in MDLs; (3) the practicalities of handling these cases in a consolidated matter; (4) the proposed leadership structure currently before this Court; and (5) the sharing of information between plaintiffs' attorneys. I believe that my reputation for working cooperatively with other attorneys is evidenced by the fact that I have been involved in arranging and participating in these meetings, as well as by my prior MDL experience.

Our firm has a substantial number of cases filed in all four MDLs before this Court, which includes a total of 67 cases as of the date of this filing. I have been working with other

counsel involved in the MDLs to retain expert witnesses, both in the United States and abroad, to assist in the prosecution of the cases in the MDLs.

In addition to surgical mesh, I have significant experience in both the trial and settlement of complex and high value matters in federal courts. By way of examples, this has included being plaintiff's lead counsel in a \$12.1 million jury verdict on behalf of a child injured due to medical malpractice in the United States District Court of Kansas case of Midwest Trust v. Gard, M.D., and participation as class counsel for the states of New York, New Jersey, and Arkansas in the \$1 Billion national class action settlement of In Re: AT&T Mobility Wireless Data Services Tax Litigation, MDL Docket No. 2278 (N.D.I.)

It would be an honor if the Court chose me to serve in the capacities for which I am applying. I have the resources, willingness, and availability to commit to this important project. From the efforts I have expended thus far on this project and past projects, I can assure the Court that I am qualified to serve on the Plaintiffs' Steering Committee, Executive Committee and as Co-Lead of the C.R. Bard, Inc., Pelvic Repair System Product Liability Litigation, MDL 2187.

Dated: March 26, 2012

Respectfully Submitted,

s/Derek H. Potts

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